

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 10, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H030574 PEOPLE v. KNIGHT

Cause called and argued by Peter Meadow appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030748 LIGHTHOUSE WORLDWIDE SOLUTIONS, INC. v. GIANDOMENICO, et al.

Cause called and argued by Mark Chassman appearing for Appellants and by Ann Liroff appearing for Respondent. Cause ordered submitted.

H031400 BED, BATH & BEYOND, et al. v. WCAB and COSTA

Cause called and argued by Michael Giachino appearing for Petitioner and by Robert Dennis appearing for Respondent. Cause ordered submitted.

H030905 HUH v. WANG, et al.

Cause called and argued by Damian Fernandez appearing for Appellant and by Lawrence Jensen appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench. Duffy, J. takes the bench.

H029531 PEOPLE v. ALLEN

Cause called and argued by Mark Greenberg appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench. McAdams, J. takes the bench.

H031025 PEOPLE v. STOLL

Cause called and argued by William Robinson appearing for Appellant and by Martin Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Monday, December 10, 2007 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H030880 HARBAUGH v. YAMAHA OF SANTA CRUZ COUNTY

Cause called and argued by Michael James Barsi appearing for Appellant and by Olof K. Hellen appearing for Respondent. Cause ordered submitted.

H031195 HARBAUGH v. YAMAHA OF SANTA CRUZ COUNTY

Cause called and argued by Michael James Barsi appearing for Appellant and by Stuart Fishman appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and McAdams, J. takes the bench.

H031148 PEOPLE v. BRETT M.

Cause called and argued by Julia K. Freis appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031174 PEOPLE v. LEAL

Cause called and argued by Jonathan Emanuel Berger appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030427 CALDARULO v. SAN JOSE POLICE OFFICERS ASSOCIATION

Cause called and argued by Michael Morrissey appearing for Appellant and by Ronald Yank appearing for Respondent. Cause ordered submitted.

H030496 PETERSON v. LOS GATOS SARATOGA COMMUNITY EDUCATION AND RECREATION

Cause called and argued by John M. Ingle appearing for Appellant and by Mark E. Davis appearing for Respondent. Cause ordered submitted. Court is adjourned.

H031341 PEOPLE v. MACKIN

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 10, 2007

Sixth Appellate District

San Jose, California

TUESDAY, DECEMBER 11, 2007

The following case is submitted this date:

H031794 In re ALICE M.; MONTEREY COUNTY DSES v. TAMMY L.

H031479 PEOPLE v. COLBERT

The judgment is affirmed. (published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed December 11, 2007

H029708 PEOPLE v. ESPINO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed December 11, 2007

H030945 PEOPLE v. CLEMONS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 11, 2007

WEDNESDAY, DECEMBER 12, 2007

The following cases are submitted this date:

H031307 In re TINA P., et al.; MONTEREY COUNTY DSES v. THERESA P., et al.

H031130 TENDLER v. WWW.JEWISHSURVIVORS.BLOGSPOT.COM, et al.

H030534 PEOPLE v. ROSE

The July 24, 2006 order of commitment is affirmed (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 12, 2007

THURSDAY, DECEMBER 13, 2007

H031188 In re HANNAH M.; D.F.C.S. v. SUSAN K., et al.

The February 6, 2007 order is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 13, 2007

H030492 PEOPLE v. JACKSON

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 13, 2007

Sixth Appellate District

San Jose, California

Thursday, December 13, 2007 (continued)

H031608 In re JACOB O., et al; SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. JACOB O.

The jurisdictional and dispositional orders are affirmed
(not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 13, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H031749 PEOPLE v. WHITE

Cause called and argued by Deanna Lamb appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and Duffy, J. takes the bench.

H030670 HUYNH on Habeas Corpus

Cause called and argued by Scott C. Mather, Deputy Attorney General, appearing for Appellant and by Keith Allen Wattley appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and Mihara, Acting P.J. takes the bench.

H031010 PEOPLE v. CHIEN

Cause called and argued by Michael P. Thorman appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court is adjourned.

H031148 PEOPLE v. BRETT M.

The order is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed December 13, 2007

Sixth Appellate District

San Jose, California

Thursday, December 13, 2007 (continued)

H031400 BED, BATH & BEYOND v. WCAB; COSTA

The portion of the WCAB's February 27, 2007, opinion and order granting reconsideration and decision after reconsideration is annulled to the extent the opinion and order determined that the 1997 permanent disability rating schedule applied on the ground that Bed, Bath & Beyond's duty to provide the Labor Code section 4061 notice regarding permanent disability benefits arose prior to January 1, 2005, when Kim Costa's temporary disability payments commenced.

The matter is remanded for further proceedings consistent with the views expressed in this opinion. Our remand is without prejudice to further proceedings concerning Costa's alternative argument that she is entitled to application of the 1997 permanent disability rating schedule under the second exception set forth in Labor Code section 4660, subdivision (d). In all other respects, the February 27, 2007, decision after reconsideration is affirmed. The parties are to bear their own costs in this original proceeding. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 13, 2007

H029323 PEOPLE v. LANDECHO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)
Filed December 13, 2007

H029806 PEOPLE v. MCCLAIN

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed December 13, 2007

FRIDAY, DECEMBER 14, 2007

H028021 VOICES OF THE WETLANDS v. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, et al.

We affirm the trial court's June 2004 judgment, which denied appellant's petition for writ of administrative mandamus. Defendants (the Water Boards) and real party (Duke) shall have costs on appeal. (published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 14, 2007

Sixth Appellate District

San Jose, California

Friday, December 14, 2007 (continued)

H030169 EAGLE BROADBAND, INC. v. MOULD; WILLIAMS

Insofar as it addresses the claims presented in this appeal, the trial court's order of March 7, 2006 is affirmed in part and reversed in part, as follows: As to defendant Mould, the order granting the special motion to strike is affirmed. As to defendant Williams, the order denying the special motion to strike is reversed with directions to grant the motion. To the extent that it denies plaintiff's request for an order lifting the discovery stay, the order is affirmed. Plaintiff Eagle Broadband, Inc. shall bear costs on appeal. (not published) (McAdams, J.; I concur: Duffy, J.; Concurring opinion by Mihara, Acting P.J.)

Filed December 14, 2007

H030719 EAGLE BROADBAND, INC. v. MOULD

Insofar as it awards fees and costs against plaintiff and in favor of defendant Mould, the trial court's order of August 9, 2006, is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 14, 2007

H030371 GALLOWAY v. GALLOWAY

The judgment is affirmed. Respondent Suzanne Galloway is awarded her costs on appeal. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Duffy, J.)

Filed December 14, 2007

H031613 PEOPLE v. BASSALY

The judgment is modified to strike the no-contact order. The trial court directed to prepare an amended abstract of judgment that specifies that defendant is entitled under section 2900.5 to 409 days of custody credits (273 actual days plus 136 good time/work time days). That amended abstract shall be delivered to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed December 14, 2007

H031307 In re T.P., et al.; DSES v. THERESA P., et al.

The order is affirmed (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 14, 2007